

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>TROY ANTHONY HARDEN,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 5:13-CV-5 (MTT)</b>
	)	
<b>Warden ALLEN CARTER,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

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**ORDER**

Before the Court is the Recommendation of Magistrate Judge Charles H. Weigle. (Doc. 16). The Magistrate Judge recommends the Court grant the Respondent's motion to dismiss (Doc. 8) Troy Anthony Harden's 28 U.S.C. § 2254 petition for writ of habeas corpus and deny as moot Harden's motion for summary judgment (Doc. 12). Harden objects to the Recommendation. (Doc. 18).

Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Harden's objections and has made a de novo determination of the portions of the Recommendation to which he objects. The Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge, and the Recommendation is adopted and made the order of this Court. Further, Harden has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). Therefore, the Respondent's motion to dismiss Harden's petition is **GRANTED**, and a certificate of appealability is **DENIED**.<sup>1</sup>

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<sup>1</sup> Harden's motion for summary judgment (Doc. 12) is **DENIED as moot**.

**SO ORDERED**, this the 6th day of March, 2014.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT